IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 18796 of 2006(K)

AGAINST THE ORDER IN OP(HMA).1095/2004 IN IA.3583/2004 of FAMILY COURT,TRIVANDRUM

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PETITIONER:

DR.HARI GOVIND.B, RESIDING AT T.C.2/1351, ARYA CENTRAL SCHOOL LANE, PATTOM, THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENT:

DR.SEEMA.S.S., D/O.SANTHAKUMARI AMMA, ASWATHY BHAVAN, PALIERANGLY, CHERUPALLUR P.O, KULASEKHARAM, KANYAKUMARI DISTRICT.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.18796/2006 K

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE PETITION NO.3583/04 IN O.P.(HMA) NO.1095/04 FILED BY THE RESPONDENT DTD. 25/10/04 BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM.**

EXT.P2: **COPY OF THE OBJECTION FILED BY THE PETITIONER IN OP (HMA) NO.1095/04 BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM DTD. 16/03/2005.**

EXT.P3: **COPY OF THE AFFIDAVIT FILED BY THE RESPONDENT IN OP(HMA) NO.1095/04 BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM DTD. 26/07/2005.**

EXT.P4: **COPY OF THE ORDER IN I.A.NO.3583/04 IN O.P.(HMA) NO. 1095/04 OF THE FAMILY COURT, THIRUVANANTHAPURAM DTD. 13/09/2005.**

EXT.P5: **COPY OF THE CASE RECORD OF KUMARESAN ISSUED FROM SREE MOOKAMBIKA INSTITUTE OF DENTAL SCIENCE.**

EXT.P6: **COPY OF THE NOTICE ISSUED FROM DIRECTOR, SREE MOOKAMBIKA INSTITUTE OF DENTAL SCIENCES, DTD. 3/01/2005.**

/TRUE COPY/

KSS

PIUS C. KURIAKOSE,J.

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W.P.(C) No.18796 of 2006

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Dated: 6th July, 2007

JUDGMENT

It is fairly conceded by the counsel for the petitioner that the petitioner did not comply with the conditions imposed by this court for granting stay. This court has been of the consistent view that a person who obtains interim relief from this court suffering conditions is not entitled to any favourable exercise of discretion if he does not comply with the conditions. The Writ Petition will stand dismissed without expressing any opinion on the merits of the conditions. This judgment will not stand in the way of the petitioner making appropriate application before the court below and the court below reconsidering the issue on the basis of Exts.P5 and P6.

srd **PIUS C.KURIAKOSE, JUDGE**